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U.S. DISTRICT COURT
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United States District Court
Middle District of Tennessee
At Nashville

UNITED STATES OF AMERICA,)	Crim. No. 3:02-CR-128-5
)	Civil No. 3:09-cv-132
Plaintiff-Respondent,)	HON. W.J. HAYNES, JR.
)	MAG.
vs.)	MOVANT'S STATEMENT OF DISPUTED ISSUES OF MATERIAL FACT
JOSE MORAN OCEGUEDA,)	
Defendant-Movant.)	

* * * * *

COMES NOW DEFENDANT-MOVANT Jose Moran Ocegueda and submits the following list of extra record facts which are in dispute and which are material to the resolution of his Section 2255 motion:

The government has presented the affidavit of Attorney Morris which makes general statements that she made evidence available to Mr. Ocegueda and she states that she told him he "could" be found guilty

Mr. Ocegueda has sworn in his affidavit that specific affirmative misadvice was given to him and that Attorney Morris failed to advise him of material facts and law with respect to his decision to plead not guilty and proceed to trial by jury

As noted above, these are extra record facts which are material to the resolution of Mr. Ocegueda's Section 2255 motion and which relate to matters which are not part of the files and records of this case. As such, further factual development is necessary for the Court to be able to

make the findings of fact required by 28 U.S.C. § 2255

Respectfully submitted,

Date: 5/11/09

Jose Moran Ocegueda
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